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Paper No. 8

LAHIVE & COCKFIELD
28 STATE STREET
BOSTON, MA 02109

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OFFICE OF PETITIONS

In re Application of
Kenneth Lerman
Application No. 09/872,263
Filed: 31 May, 2001
Attorney Docket No. SYCS-035

:
: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(b)
:
:

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 28 February, 2002.

The petition is **GRANTED**.

Petitioner has shown that a copy of the application was mailed to the non-signing inventor. The inventor, however, refused to sign the declaration via an E-mail to Ke Le, Technology Officer for Rule 47(b) applicant Sycamore Networks, Inc. Additionally, petitioners have shown proprietary interest by providing a copy of the employment agreement between the non-signing inventor and Rule 47(b) applicant. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and has demonstrated that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.


As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor. Notice of the filing of this application will also be published in the Official Gazette.

As no additional petition fee is due on reconsideration, the \$130.00 petition fee charged to counsel's deposit account with

the present request for reconsideration is unnecessary and will be credited to counsel's deposit account, No. 12-0080.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this communication should be directed to the undersigned at 703.308.6918.


Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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Kenneth Lerman
55 Main Street
Newtown, CT 06470

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OFFICE OF PETITIONS

In re Application of
Kenneth Lerman
Application No. 09/872,263
Filed: 31 May, 2001
For: SYSTEM AND METHOD FOR THE USE OF RESET LOGIC IN HIGH AVAILABILITY SYSTEMS

Dear Mr. Lerman:

You are named as the sole inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the sole inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918. Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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